

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE NEURONTIN MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

Stephen Brodsky v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-7960
Dan Huffman, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-7961
Patti Paulsen, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8464
Rosalia Sumait, et al. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8719
Monica Smith, etc. v. Pfizer, Inc., et al., S.D. New York, C.A. No. 1:04-8720

**ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER
AND VACATING THE MAY 26, 2005 HEARING SESSION**

A conditional transfer order was filed in these five actions on February 8, 2005. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiffs in the actions filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the conditional transfer order. Plaintiffs have now advised the Panel that they withdraw their initial opposition to the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-3" filed on February 8, 2005, is LIFTED insofar as it relates to these five actions, and thus the actions are transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

IT IS FURTHER ORDERED that the Hearing Session Order and the attached Schedule filed on April 20, 2005, are VACATED insofar as they relate to these five actions.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

ECF, MEMBER, RELATED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:04-cv-08720-JSR**

Smith v. Pfizer, Inc. et al
Assigned to: Judge Jed S. Rakoff
Related Case: 1:04-cv-06704-JSR
Case in other court: State Court-Supreme, 111431-04
Cause: 28:1441 Notice of Removal

Date Filed: 11/04/2004
Jury Demand: Defendant
Nature of Suit: 365 Personal Inj. Prod.
Liability
Jurisdiction: Federal Question

Plaintiff

Monica Smith
*as Administratrix of the Estate of
Kenneth Christopher Smith, deceased*

represented by **Eleanor Louise Polimeni**
Finkelstein & Partners, LLP
436 Robinson Ave.
Newburgh, NY 12550
845-563-9421
Fax: 845-562-3492
Email: epolimeni@lawampm.com
ATTORNEY TO BE NOTICED

V.

Defendant

Pfizer, Inc.

represented by **Erik M. Zissu**
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212)450-4000

James E. Murray
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
212 450-4000

James P. Rouhandeh
Davis Polk & Wardwell
450 Lexington Avenue
New York, NY 10017
(212) 450-4000

Defendant

Parke-Davis
*a division of Warner-lambert Company
and Warner-Lambert Company, LLC*

represented by **Erik M. Zissu**
(See above for address)

James E. Murray
(See above for address)

James P. Rouhandeh
(See above for address)

Defendant

Warner-Lambert Company

represented by **Erik M. Zissu**
(See above for address)

James E. Murray
(See above for address)

James P. Rouhandeh
(See above for address)

Defendant

Warner-Lambert Company, L.L.C.

represented by **Erik M. Zissu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James E. Murray
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James P. Rouhandeh
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/04/2004	<u>1</u>	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 111431-04. (Filing Fee \$ 150.00, Receipt Number 525246).Document filed by Parke-Davis, Pfizer, Inc., Warner-Lambert Company, Warner-Lambert Company, L.L.C..(gf,) (Entered: 11/09/2004)
11/04/2004	<u>2</u>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Parke-Davis, Pfizer, Inc., Warner-Lambert Company, Warner-Lambert Company, L.L.C..(gf,) (Entered: 11/09/2004)

11/04/2004		CASE REFERRED TO Judge Jed S. Rakoff as possibly related to 1:04-cv-6704. (gf,) (Entered: 11/09/2004)
11/04/2004		Case Designated ECF. (gf,) (Entered: 11/09/2004)
11/11/2004	<u>3</u>	NOTICE of Appearance by Eleanor Louise Polimeni on behalf of Monica Smith (Polimeni, Eleanor) (Entered: 11/11/2004)
11/16/2004	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Jed S. Rakoff. Judge Unassigned no longer assigned to the case. (gf,) (Entered: 11/19/2004)
11/16/2004		Magistrate Judge Douglas F. Eaton is so designated. (gf,) (Entered: 11/19/2004)
11/16/2004		CASE ACCEPTED AS RELATED TO 1:04-cv-6704. (gf,) (Entered: 11/19/2004)
11/19/2004		Mailed notice to the attorney(s) of record. (gf,) (Entered: 11/19/2004)
12/06/2004		ORDER the Court, on its own motion, hereby consolidates these cases 04cv6704, 04cv8464, 04cv8719, 04cv8720, 04cv8721, and 04cv8963, with the earlier cases under the common caption of In re Neurontin, 04 civ. 6704 (JSR). Any party objection to the foregoing consolidation must so notify the Court, in writing, by no later than 12/13/04, in which case the Court will then convene a hearing to evaluate any such objection. Failure to raise any objection by December 13 will be deemed a waiver of any such objection. So Ordered. Original filed in case 04cv6704, doc # 11. (Signed by Judge Jed S. Rakoff on 12/6/04) (jco,) (Entered: 12/07/2004)
04/05/2005	<u>5</u>	ANSWER to Complaint with JURY DEMAND. Document filed by Pfizer, Inc., Parke-Davis, Warner-Lambert Company, Warner-Lambert Company, L.L.C..(Zissu, Erik) (Entered: 04/05/2005)

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